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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF WASHINGTON

14 THE UNITED STATES OF
15 AMERICA,

16 Plaintiff,

17 v.

18 KING MOUNTAIN TOBACCO CO.,
19 INC.,

20 Defendant.

21 Civil No. CV-12-3089-RMP

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26 **UNITED STATES'**
RENEWED MOTION FOR
SUMMARY JUDGMENT
(ISSUE NO. 1)

Without Oral Argument
June 12, 2014
6:30 p.m.

U.S.' RENEWED MOTION

1 Consistent with the United States' Notice of Hearing on Motion for
2 Summary Judgment (Issue No. 1) filed on Friday, April 18, 2014, ECF No. 69,
3 the United States hereby renews its Motion for Summary Judgment, ECF No.
4 48, as to Issue No. 1: the amount of unpaid federal tobacco excise taxes owed by
5 King Mountain Tobacco Co., Inc. The relevant portions of ECF No. 48 are
6 hereby incorporated by reference.
7

9 The other issues raised in ECF No. 48 were argued before the Court on
10 December 4, 2013. The Court ruled in favor of the United States on those issues
11 in its Order Granting United States' Motion for Summary Judgment, ECF No.
12 62. The Court "granted a stay of consideration on the issue of the specific
13 amount of tax owed [Issue No. 1] until after discovery has been completed.
14 ECF No. 53." ECF No. 62, page 2. The Court explained that "[t]he amount of
15 the owed excise taxes [Issue No. 1] will be determined at a future date." ECF
16 No. 62, page 3.

19 In an order entered at the parties' request on March 31, 2014, ECF No. 66,
20 the Court re-set the briefing schedule on Issue No. 1, providing that King
21 Mountain's response would be due on April 11 and the United States' reply
22 would be due on April 25. This schedule was vacated, however, on April 7,
23 2014, when, at the parties' request, the Court entered a Bench Trial Scheduling
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25 U.S.' RENEWED MOTION

1 Order providing, in relevant part, that dispositive motions should be filed on or
2 before April 18, 2014. The briefing on Issue No. 1 was not addressed in ECF
3 No. 66.

5 This Renewed Motion is intended under Local Civil Rule 7 to reschedule
6 the completion of the briefing on Issue No. 1 and make Issue No.1 ripe for
7 decision on **June 12, 2014**, without oral argument.
8

9 DATED this 21st day of April, 2014.

10 KATHRYN KENEALLY
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U.S.' RENEWED MOTION

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 21st day of April, 2014, I electronically filed
3 the foregoing document with the Clerk of the Court using the CM/ECF System,
4 which will send notification of such filing to the following:
5

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U.S.' RENEWED MOTION